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**ORDINANCE NO. 24800**

**AN ORDINANCE OF THE CITY OF SAN JOSE REPEALING PARTS 1 AND 2 OF CHAPTER 15.12 OF TITLE 15 OF THE SAN JOSE MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 15.14 RELATING TO SEWER USE AND SEWER USE PERMITS, INCLUDING ADOPTION OF NEW DEFINITIONS AND NEW REQUIREMENTS FOR THE DISCHARGE OF INDUSTRIAL WASTE TO THE SANITARY SEWER SYSTEM**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Parts 1 and 2 of Chapter 15.12 of the San Jose Municipal Code are hereby repealed.

SECTION 2. Title 15 of the San Jose Municipal Code is hereby amended by adding a new Chapter to be numbered and entitled and to read as follows:

**CHAPTER 15.14**

**Part 1**

**General Provisions**

**15.14.110 Purpose of Chapter**

The purpose of this Chapter is to:

- A. Provide for and regulate the disposal of Sanitary Sewage into the Sanitary Sewer System of the City in such manner and to such extent as is reasonably necessary to maintain and increase the ability of the Sanitary Sewer System to handle and dispose of Sanitary Sewage;
- B. Provide for and regulate the disposal of Industrial Wastes into the Sanitary Sewer System of the City in such manner and to such extent as may be reasonably necessary to maintain and increase the ability of such system to handle and dispose of industrial waste without decreasing the ability of said system to handle and dispose of all Sanitary Sewage;

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- C. Prevent the introduction of pollutants into the Sanitary Sewer System which will pass through the treatment works of the San Jose/Santa Clara Water Pollution Control Plant or otherwise be incompatible with such works or interfere with the ability of the Plant to treat, discharge and recycle wastewater, or to use or dispose of Plant biosolids.
- D. Improve opportunities to recycle and reclaim treated effluent and wastewater sludge;
- E. Protect the physical structures of the Sanitary Sewer System and the efficient functioning of its component parts;
- F. Protect the City and its personnel, and preserve and protect the health, safety and comfort of the public;
- G. To enable the City to comply with all applicable and compatible laws, rules, regulations and orders of the State of California and of the United States;
- H. Provide for the charging and collection of various fees and other charges reasonably necessary for the acquisition, construction, reconstruction, maintenance and operation of the Sanitary Sewer System of the City of San Jose.
- I. Protect the environmental health of San Francisco Bay.

#### **15.14.120 Conflicts with Chapter 17.56**

In the event of any conflicts or inconsistencies between the provisions of this Chapter and the provisions of Chapter 17.56 of the San Jose Municipal Code 15.14, the provisions of this Chapter shall control.

#### **15.14. 130 Responsibility for Enforcement**

The primary responsibility for enforcement of the provisions of this Chapter shall be vested in the Director of Environmental Services

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## **Part 2**

### **Definitions**

#### **15.14.210 Definitions**

The definitions set forth in this Part 2 shall govern the application and interpretation of this Chapter.

#### **15.14.215 Ammonia**

“Ammonia” means that form of nitrogen is chemically definable as  $\text{NH}_3$ .

#### **15.14.220 Audit Protocols**

“Audit Protocols” means the procedures to be followed in performing a Mass Audit Study.

#### **15.14.225 Average Concentration**

“Average Concentration” means the concentration of a pollutant in an Industrial User’s discharge that is calculated by adding the concentrations of the particular pollutant in all Composite Samples taken during a given time period, including but not limited to self monitoring samples, and dividing the total by the number of samples taken.

#### **15.14.230 Best Management Practices**

“Best Management Practices” means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the introduction of pollutants to the Sanitary Sewer System which have been determined by the Director to be Cost Effective for particular industry groups, business types, or specific industrial processes.

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#### **15.14.235 Biochemical Oxygen Demand**

“Biochemical Oxygen Demand” means the quantity of oxygen expressed in parts per million (ppm) by weight, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty degrees centigrade (20°C).

#### **15.14.240 Code of Federal Regulations**

“Code of Federal Regulations” or “CFR” refers to the Code of Federal Regulations as published by the Office of the Federal Register National Archives and Records Administration. Whenever a reference is made to any portion of said Code, or to any other federal regulation such reference shall apply to all amendments and additions to such portion of said Code now or hereinafter enacted.

#### **15.14.245 Composite Sample**

“Composite Sample” means a flow-proportional or time proportional sample, which accurately represents the average pollutant concentration discharged during a continuous time period. A Composite Sample may be obtained manually or automatically, and discretely or continuously. For manual compositing, at least six (6) individual samples from each sample point shall be combined and mixed to obtain one Composite Sample; flow-proportion may be obtained either by varying the time interval between each discrete sample or the volume of each discrete sample.

#### **15.14.250 Cost Effective**

“Cost Effective” means that total project costs, if financed over a five (5) year period at the prime interest rate published in the Wall Street Journal plus two percent (2%) at the time the project costs are being determined, do not exceed the total savings that would be generated by the project during the same five (5) year period. Project costs shall also be considered Cost Effective, if financing assistance is available to the Discharger, from the City or any other source, at a lower rate and the project costs, if financed over a five (5) year period at

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that rate do not exceed the total savings that would be generated by the project during the same five (5) year period.

#### **15.14.255 Critical User**

“Critical User” means a Discharger whose wastewater contains Priority Pollutants, or who discharges waste which has the potential to cause Interference, excluding Sanitary Sewage.

#### **15.14.260 Diluting Waters**

“Diluting Waters” means noncontact cooling water, boiler blowdown, domestic sewage, groundwater, stormwater, surface drainage, or potable waters which are not part of an industrial process and which do not contain Priority Pollutants but which are combined with industrial wastewater prior to the monitoring point for Industrial Wastewater discharge.

#### **15.14.265 Director**

“Director” for purposes of this Chapter, shall mean the Director of Environmental Services.

#### **15.14.270 Garbage**

“Garbage” means wastes from the preparation, cooking and dispensing of foods, and from the handling, storage, and sale of produce.

#### **15.14.275 Grab Sample**

“Grab Sample” means a single discrete sample collected at a particular time and place which represents the composition of the wastestream only at that time and place.

#### **15.14.280 Grease**

“Grease” means ether-soluble matter, and shall include each of the following two types:

- A. Dispersed grease, which means grease which is not floatable grease;
- B. Floatable grease, which means grease which floats on the surface of quiescent sewage water or other liquid or which floats when mixed or added to water.

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**15.14.285 Group 1 Discharger**

- A. “Group 1 Discharger” means an Industrial User which typically uses copper or nickel as part of its operational process and which discharges Industrial Wastes into the Sanitary Sewer System containing nickel in excess of .005 mg/l or copper in excess of .05 mg/l, and whose discharge contains in excess of .04 pounds per day (ppd) nickel or .09 ppd copper.
- B. For the purpose of subsection A above, the pounds of nickel and copper contained in an Industrial User’s discharge shall be determined by multiplying the Industrial User’s average Process Flow times the Average Concentration of nickel or copper measured in the Industrial User’s discharge as shown by Composite Sampling, including but not limited to self monitoring sampling.
- C. For the purpose of subsections A and B above, average Process Flow and Average Concentration for any Industrial Discharger discharging into the Sanitary Sewer System prior to April 1, 1993, shall be calculated on the basis of sampling for the twelve (12) month period April 1, 1992 through March 31, 1993, and for any other Industrial Discharger for the twelve (12) month time period preceding the date of application for reissuance of a discharge permit, or, in the case of an application for a new permit, on the basis of the projected Process Flow shown in the Industrial User’s Wastewater Discharge Permit application and the projected Average Concentrations shown in the Industrial User’s Wastewater Discharge Permit application.

**15.14.290 Group 2 Discharger**

“Group 2 Discharger” means all Industrial Users, other than Group 1 and Group 3 Dischargers.

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#### **15.14.295 Group 3 Discharger**

“Group 3 Discharger” means an Industrial User, other than a Group 1 Discharger, which does not typically use copper or nickel as part of its operational process, and whose average Process Flow is less than one thousand (1,000) gallons per day.

#### **15.14.310 Industrial User**

“Industrial User” means any non-residential user that discharges Industrial Wastes to the Sanitary Sewer System.

#### **15.14.315 Industrial Wastes**

“Industrial Wastes” means the wastes from producing, manufacturing and processing operations of every kind and nature.

#### **15.14.320 Interference**

- A. “Interference” means a discharge which alone, or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the processes or operation of the Sanitary Sewer System, including the Plant, or causes or significantly contributes to a violation of any requirement of the National Pollutant Discharge Elimination system (NPDES) Permit, which is a permit issued to the City pursuant to Section 402 of the Clean Water Act.
- B. “Interference” also includes prevention of bio-solids use or disposal by the Plant in accordance with published regulations providing guidelines under Section 405 of the Clean Water Act or in regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Water Act, the Toxic Substances Control Act, or more stringent state regulations (including those contained in any state bio-solids management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the Plant.

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#### **15.14.325 Mass Audit Study**

“Mass Audit Study” means an investigation of pollution prevention and source reduction measures performed by or for an Industrial User, pursuant to Audit Protocols adopted by the Director, to analyze the volume and concentration of nickel, copper, and/or any other Priority Pollutant identified in regulations adopted by the Director in an Industrial User’s process streams and discharge, and to identify the Maximum Feasible Reduction Measures available to the Industrial User.

#### **15.14.330 Maximum Allowable Concentration**

“Maximum Allowable Concentration” means the highest permissible concentration or other measure of pollutant magnitude taken at a specific point in time.

#### **15.14.335 Maximum Feasible Reduction Measures**

- A. “Maximum Feasible Reduction Measures” means all individual measures, and all functionally interdependent measures, of reducing the mass of specified pollutant(s) in an Industrial User’s discharge, which the Director finds would be Cost Effective if installed by the Industrial User.
- B. For the purpose of this Section 15.14.335, individual measures which are not Cost Effective shall nonetheless be considered part of a functionally interdependent group of Cost Effective measures if they substantially reduce the mass of pollutant(s) discharged, and the other measures with which they are grouped are their functional prerequisite.

#### **15.14.340 pH**

“pH” means the logarithm of the reciprocal of the concentration of hydrogen ions in moles per liter of solution.



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#### **15.14.345 Plant**

“Plant” means the San Jose/Santa Clara Water Pollution Control Plant.

#### **15.14.350 Priority Pollutants**

“Priority Pollutants” means all pollutants as defined by the “General Pretreatment Regulations” of the Environmental Protection Agency, found at 40 CFR 401 and 403.

#### **15.14.355 Process Flow**

“Process Flow” means the daily, twenty four (24) hour, flow of wastewater from any kind or nature of production, manufacturing or processing operation, including industrial and commercial operations where water is used for the removal of any type of waste other than Sanitary Sewage. Process Flow does not include Diluting Waters.

#### **15.14.360 Reasonable Control Measures**

“Reasonable Control Measures” means control technologies, Best Management Practices, source control practices and waste minimization procedures which prevent or reduce the introduction of pollutants to the Sanitary Sewer System and are determined by the Director to be Cost Effective for particular industry groups, business types, or specific industrial processes.

#### **15.14.365 Sanitary Sewage**

“Sanitary Sewage” means water-carried wastes from residences, business buildings, institutions, and industrial establishments, excluding ground, surface and Storm Waters, subsurface drainage and also excluding Industrial Waste.

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#### **15.14.370 Sanitary Sewer System**

“Sanitary Sewer System” means all Sewers, treatment plants, and other facilities owned or operated by the City for carrying, collecting, pumping, treating, and disposing of Sanitary Sewage and Industrial Wastes.

#### **15.14.375 Sewer**

“Sewer” means a pipe or conduit for carrying Sewage.

#### **15.14.380 Significant Change**

“Significant Change” is any change in an Industrial User’s operation that results in either of the following:

- A. A flow which exceeds the expected peak flow as shown in the Sewage Treatment Plant Connection allocation for the property on which the Industrial User is located.
- B. For a Group 2 or 3 Discharger, an increase in average Process Flow for the Dischargers most recent compliance period of twenty-five percent (25%) over the Industrial User’s average Process Flow for the Discharger’s most immediate preceding compliance period.

#### **15.14.390 Standard Methods**

- A. “Standard Methods” means the procedures set forth in the Code of Federal Regulations unless another method for the analysis of industrial wastewater has been approved in writing in advance of use of the procedure by the Director.
- B. All analyses shall be performed by a laboratory certified by the State for the specific pollutants and matrix to be analyzed, unless otherwise approved in writing, by the Director, prior to performance of a sample analysis.

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#### **15.14.395 Storm Waters**

“Storm Waters” means the flow in Sewers resulting from rainfall.

#### **15.14.410 Suspended Solids**

“Suspended Solids” means solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.

#### **15.14.415 Total Toxic Organics**

Total Toxic Organics (TTOs) are the sum of the concentrations for each of the regulated toxic organic compounds listed at 40 CFR 401.15 and which are found in the discharge at a concentration greater than ten (10) micrograms per liter.

#### **15.14.420 Trucked or Hauled Waste**

“Trucked or Hauled Waste” means any waste discharged into the Sanitary Sewer System after being placed in a motorized vehicle for removal from the location where the waste was generated or produced.

### **Part 3**

### **Sewer Use Regulations**

#### **15.14.510 Limitations on Point of Discharge**

No person shall discharge any substances directly into a manhole or other opening in a City Sewer, other than through a City-approved sewer connection.

#### **15.14.515 Discharge Into Storm Drain Prohibited**

It shall be unlawful to discharge any sewage, industrial waste or other polluted waters into any storm drain or natural outlet or channel without a valid National Pollutant Discharge Elimination System (NPDES) permit.

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#### **15.14.520 Regulation of Trucked or Hauled Waste**

No person shall discharge, cause, allow or permit any Trucked or Hauled Waste to be discharged into the Sanitary Sewer System, except at a site specifically designated in a Wastewater Discharge Permit issued pursuant to this Chapter or a receiving station permit issued pursuant to Chapter 9.10 of this Code.

#### **15.14.530 Protection From Accidental Discharge**

- A. Each Industrial User shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Chapter into either the storm sewer or Sanitary Sewer Systems.
- B. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's expense.
- C. All Industrial Users shall notify the Environmental Services Department by telephone immediately upon accidentally discharging wastes of reportable quantities as determined in 40 CFR 117 to enable countermeasures to be taken by the City to minimize damage to the Sanitary Sewer System, Plant, treatment processes, and the receiving waters.
- D. Telephone notification shall be followed, within five (5) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.
- E. Notification to the City will not relieve Users of notification requirements under any other federal, state or local law, nor of liability for any expense, loss, or damage to the Sanitary Sewer System, Plant, or treatment process, or receiving waters or for any fines or penalties imposed on the City on account thereof under applicable provisions of state or federal law.

#### **15.14.535 Pretreatment by Owner**

Each owner of private premises shall, at the owner's own expense, provide such treatment or take such other measures, as the Director may require to reduce objectionable characteristics, contents, or rate of discharge of waters or wastes being deposited in the

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Sanitary Sewer System, to prevent damage to or interference with the Sanitary Sewer System.

#### **15.14.540 Monitoring Facilities**

- A. The Director may require any Industrial User of the Sanitary Sewer System to construct, at the Industrial User's own expense and at an approved location, monitoring facilities to allow inspection, sampling, and flow measurement of the building Sewer or internal drainage systems.
- B. The monitoring facilities, sampling, and measurement equipment and access thereto shall be maintained at all times in a safe and proper operating condition at the expense of the Industrial User.
- C. Any required monitoring facilities shall be specified in the Wastewater Discharge Permit issued pursuant to this Chapter.

#### **15.14.545 Storm And Other Waters**

- A. No person shall discharge, cause, allow or permit any storm water, surface water or roof runoff , to be discharged into the Sanitary Sewer System or any part thereof.
- B. No person shall discharge, cause, allow or permit any ground water or subsurface drainage, to be discharged into the Sanitary Sewer System or any part thereof, without a Wastewater Discharge Permit issued by the Director specifically for such discharge.
- C. A Wastewater Discharge Permit for the discharge of, ground water or subsurface drainage shall only be issued if there is no reasonable alternative method for disposal of such water.
- D. If permitted, discharge of ground water or subsurface drainage shall be subject to all applicable requirements of this Chapter 15.14, including but not limited to the payment of applicable permit fees and such terms and conditions as the Director may impose in the Wastewater Discharge Permit.

#### **15.14.550 Obstructing or Injurious Substances**

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No person shall discharge, cause, allow, or permit to be discharged, thrown, or deposited into the Sanitary Sewer System or any part thereof, or into any plumbing fixture or private Sewer or drain connected either directly or indirectly to the Sanitary Sewer System, any substance of any kind whatsoever tending to obstruct or injure the Sanitary Sewer System, or to cause a nuisance or hazard, or which will in any manner interfere with the proper operation or maintenance of the Sanitary Sewer System.

**15.14.555 Flammable or Explosive Substances**

No person shall discharge, cause, allow, or permit to be discharged into the Sanitary Sewer System, any wastewater containing any flammable liquid, solid, vapor, or gas or other substance, including but not limited to any substance having a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) or sixty degrees Centigrade (60°C), using the test methods specified in 40 CFR 261.21.

**15.14.560 Hot Substances**

No person shall discharge, cause, allow, or permit to be discharged into the Sanitary Sewer System or any part thereof, any liquid, solid, vapor, gas, or thing having or developing a temperature of one hundred fifty degrees Fahrenheit (150° F) or more, or which may cause the temperature at the Plant to exceed one hundred and four degrees Fahrenheit (104° F).

**15.14.565 Grease, Oils, Fats**

No person shall discharge, cause, allow, or permit to be discharged into the Sanitary Sewer System any liquid or other waste containing floatable and/or dispersed grease, vegetable oil, petroleum oil, non-biodegradable cutting oil, or fat, oil, or grease or products of animal, vegetable or mineral origin, in excess of one hundred fifty (150) parts per million by weight.

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**15.14.570 Solid or Viscous Matter**

No person shall discharge, deposit, throw, or cause to be discharged, deposited, or thrown into the Sanitary Sewer System or any part thereof, any ashes, cinders, pulp, paper, sand, cement, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, resins, plastics, wood, animal hair, paunch manure, or any heavy solid or viscous substance capable of causing obstruction to the flow in the Sanitary Sewer System or any part thereof, or which would interfere with the proper operation of the Plant or the treatment of Sanitary Sewage or Industrial Waste.

**15.14.575 Corrosive Matter**

No person shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any liquid, solid, vapor, gas, or thing having a pH lower than six (6.0) or more than twelve and one-half (12.5) or having any other corrosive property capable of causing damage or hazard to the Sanitary Sewer System or any part thereof, or to any personnel operating, maintaining, repairing, or constructing said Sanitary Sewer System or any part thereof, or working in or about the Sanitary Sewer System.

**15.14.580 Toxic Gases, Vapors or Fumes**

No person shall discharge, cause, allow, or permit to be discharged into the Sanitary Sewer System any substance of any kind whatsoever which results in the presence of toxic gases, vapors or fumes within the Sanitary Sewer System in a quantity that may cause acute health and/or safety problems for workers in the Sanitary Sewer System.

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**15.14.585 Interfering Substances**

- A. No person shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any Industrial Waste containing any of the following toxic substances exceeding the concentrations set forth below:

<u>Toxic Substance</u>	<u>Maximum Allowable Concentration</u>	
Antimony	5.0	mg/l
Arsenic	1.0	mg/l
Beryllium	.75	mg/l
Cadmium	0.7	mg/l
Chromium, Total	1.0	mg/l
Copper	2.7	mg/l
Cyanides	0.5	mg/l
Lead	0.4	mg/l
Manganese	35.0	mg/l
Mercury	0.010	mg/l
Nickel	2.6	mg/l
Phenol & derivatives	30.0	mg/l
Selenium	2.0	mg/l
Silver	0.7	mg/l
TTO	2.13	mg/l
Xylene	1.5	mg/l
Zinc	2.6	mg/l

- B. No person shall discharge, cause, allow, or permit to be discharged into the Sanitary Sewer System or any part thereof, any toxic or poisonous substances or any other pollutant, including Biochemical Oxygen Demand, in sufficient quantity to injure or cause an interference with the sewage treatment process, or in sufficient quantity to constitute a hazard to humans or animals, or in sufficient quantity to create a hazard for humans, or aquatic life in any waters receiving effluent from the Sanitary Sewer System, or which may create a hazard in the use or disposal of sewage sludge.
- C. Compliance with the above limits may be based on a Grab Sample or a Composite Sample.



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**15.14.590 Prohibition on Use of Diluting Waters**

The use of Diluting Waters as a partial or complete substitute for adequate treatment, to achieve compliance, or to meet local limitations for wastewater as set forth in Section 15.14.585, or to avoid or minimize any requirements imposed in a Wastewater Discharge Permit is prohibited.

**15.14.595 Suspended Solids; Dissolved Matter**

No person shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any liquid containing Suspended Solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle, process or treat such matter at the Plant.

**15.14.610 Noxious or Malodorous Matter**

No person shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any solid, liquid, vapor, gas, or thing which is so malodorous or noxious that their discharge into the Sanitary Sewer System would cause a public nuisance.

**15.14.615 Radioactive Matter**

No person shall discharge, cause, allow, or permit to be discharged, any radioactive waste into the sewerage system, except, that:

- A. Persons authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials may discharge, cause to be discharged, or permit to be discharged such wastes, provided that such wastes are discharged in strict conformance with the California radiation control regulations (California Code of Regulations, Title 17, Chapter 5, Subchapter 4), and federal regulations and recommendations for safe disposal of such wastes; and
- B. The person so acting does so in compliance with all applicable rules and regulations of all other regulatory agencies having jurisdiction over such discharges.

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#### **15.14.620 Colored Matter**

No person shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.

#### **15.14.625 Garbage**

- A. No person shall discharge, deposit, or throw, or cause, allow or permit to be discharged, deposited, or thrown into the Sanitary Sewer System, or any part thereof, any garbage, or any fruit, vegetable, animal or other solid material from any food-processing plant or other industrial plant or retail grocery store, irrespective of whether or not it shall have been first passed through a mechanical grinder.
- B. No person shall install, operate, use or maintain upon the premises of any food-processing plant, or any other industrial plant or retail grocery store, any mechanical grinder or waste grinder that is connected directly or indirectly to the Sanitary Sewer System, or any part thereof.
- C. No person shall discharge, deposit, throw, or cause, allow or permit to be discharged, deposited, or thrown into the Sanitary Sewer System or any part thereof, any garbage or fruit, vegetable, animal or other solid kitchen waste material resulting from the preparation of any food or drinks, in any dwelling, restaurant, or eating establishment, unless the same shall have first been passed through a mechanical garbage or waste grinder in conformance with the provisions of the Plumbing and Electrical Code of the City.

#### **15.14.630 Oil and Grease Removal Devices**

- A. Any type of business or establishment where grease or other objectionable materials may be discharged into a public or private sewage main or disposal system shall have a grease removal device of a size and design approved by the Director.
- B. Each grease removal device shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of grease.

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- C. The grease removal device should be situated on the Discharger's premises but when such a location would be impractical or cause undue hardship on the Discharger, the City may issue an encroachment permit to allow the device to be installed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- D. Waste discharge from fixtures and equipment in establishments which may contain grease or other objectionable materials including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through the grease removal device when approved by the Director provided, however, that toilets, urinals, wash basins, and other fixtures containing fecal material shall not flow through the grease removal device.
- E. Grease removal devices shall be maintained in efficient operating condition by periodic removal of the accumulated grease. The use of chemicals to dissolve grease is specifically prohibited. No accumulated grease shall be introduced into any drainage piping or public or private sewer. Users with oil and grease removal devices must maintain them in good operating condition at all times.
- F. The Discharger must develop and maintain a record of periodic maintenance and pumping of the removal device records are to be retained for a period of not less than three years.
- G. Pumping must be sufficiently frequent to prevent objectionable odors, surcharge of the removal device, or interference with the operation of the Sanitary Sewer System.
- H. Abandoned grease removal devices shall be emptied and filled as required for abandoned septic tanks.

#### **15.14.635 Screened Industrial Wastes**

- A. No person shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any garbage, or any fruit, vegetable, animal, or other solid Industrial Wastes resulting from the processing, packaging, or canning of

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fruits, vegetables, or other foods or products, unless such wastes have first been passed through screens having openings not exceeding 1/32 of an inch in dimension.

- B. The Director may authorize, in writing, the discharge into the Sanitary Sewer System of such wastes if they are first passed through screens having larger openings, if the Director is satisfied that such larger openings will provide screening efficiency and effectiveness equal to or better than that provided by the above-specified openings of 1/32 of an inch in dimension.
- C. Each person who discharges, causes, allows, or permits to be discharged into the Sanitary Sewer System or any part thereof, any such wastes shall install and maintain in good operating order, screens as hereinabove specified and appurtenances thereto, including but not limited to all necessary conveyors and elevators, all in sufficient quantity and of sufficient size and quality to continuously and effectively screen not less than one hundred percent (100%) of the peak hydraulic and solids loading imposed on such screens and appurtenances during any processing period.
- C.D.** No person shall discharge any such screened wastes into the Sanitary Sewer System, or any part of the system, unless and until he or she has obtained a Wastewater Discharge Permit pursuant to this Chapter 15.14 granting approval to do so. The Director may require such person to provide to the Director a report prepared by a registered professional engineer which shows, to the satisfaction of the Director, that the provisions of this Section have been complied with, before the Wastewater Discharge permit is granted.

#### **15.14.640 Group 1 Dischargers - Approved Mass Audit Study Required**

No Group I Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing copper or nickel unless the Director has approved a Mass Audit Study for that Discharger.

#### **15.14.645 Group 1 Dischargers - Mass Equivalent Concentration Limit**

- A. The discharge permit for each Group 1 Discharger shall contain a mass equivalent concentration limit ("MECL") for nickel and/or copper, established by the Director on the basis of the Director's projection of the annual mass of copper and/or nickel that

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would remain in the Group 1 Discharger's discharge, divided by the Director's projection of the Group 1 Discharger's annual Process Flow , after the installation of Maximum Feasible Reduction Measures for copper and nickel by the Group 1 Discharger.

- B. No Group I Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any Industrial Waste containing nickel or copper in excess of the MECL established in that Discharger's permit, unless the Discharger can establish that the Average Concentration of the pollutant exceeding the MECL, for the one year period immediately preceding the date on which exceedance occurs, is not greater than 110% of the MECL for that pollutant.

**15.14.650 Group 1 Dischargers - Process Flow Exceeding MECL Flow**

Any Group 1 Discharger, whose average Process Flow for the preceding consecutive six (6) months exceeds 125 % of the average Process Flow used in calculating the MECL contained in that Discharger's permit, shall submit, within thirty (30) days, an addendum to the Discharger's Mass Audit Study demonstrating that the increased flow is solely due to increased production by the Discharger and that no further Maximum Feasible Reduction Measures are available to reduce either Process Flow or Average Concentration from the increased flow, or shall submit within ninety (90) days, a revised Mass Audit Study, based on the increased flow.

**15.14.655 Group 1 Dischargers - Revision of MECL**

- A. Any Group 1 Discharger may file an application for revision of the Discharger's MECL, where:
- (1) production increases or process changes are projected to cause the Discharger to exceed the Discharger's MECL; or
  - (2) the Discharger is proposing to implement a water conservation project that will result in exceedance of the Discharger's MECL, and the mass discharge does not exceed the mass that was used in calculating the Discharger's MECL.

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- B. An application for revision of the Discharger's MECL shall be accompanied by the applicable fee as established by resolution of the City Council and either:
  - (1) an addendum to the Discharger's Mass Audit Study demonstrating that the exceedance of the MECL will be solely due to increased production, process change, or implementation of a water conservation project by the Discharger and that no further Maximum Feasible Reduction Measures are available to reduce either Process Flow or Average Concentration: or
  - (2) a revised Mass Audit Study, based on the projected Process Flow and Average Concentration that will result from the production increase, process change, or implementation of a water conservation project.
- C. The Director may recalculate the MECL for a Group 1 Discharger and revise the Discharger's compliance schedule, based on the projected Process Flow and Average Concentration, that would exist after implementation of both the proposed production increase, process change, or water conservation project, and implementation of any further Maximum Feasible Reduction Measures.

#### **15.14.660 Group 1 Discharger - Application for Reclassification**

Any Group 1 Discharger may apply for reclassification as either a Group 2 or Group 3 Discharger, upon payment of the applicable fee as established by resolution of the City Council, if the Discharger can establish all of the following:

- A. During the twelve (12) month period immediately preceding the date of the application for reclassification, the Average Concentration in the Industrial User's Process Flow did not exceed .005 mg/l nickel or .05 mg/l copper and the discharge did not contain excess of .04 ppd nickel or in excess of .09 ppd copper.
- B. The Discharger has implemented all Maximum Feasible Reduction Measures, as specified by the Director.
- C. The Discharger has been in compliance with Section 15.14.645 for the immediately preceding twelve (12) consecutive months.

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**15.14.665 Group 2 Dischargers - Daily Maximum Average Concentration Limit**

- A. No Group 2 Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing nickel in excess of .005 mg/l unless:
1. The average annual concentration of nickel in the Discharger's discharge, for the one year period immediately preceding the date on which nickel exceeds .005 mg/l, is less than .5 mg/l; or
  2. The Discharger has installed all Reasonable Control Measures as specified by the Director, and the average daily concentration of nickel in the Discharger's discharge has not exceeded 1.1 mg/l since the date Discharger's permit was issued.
- B. No Group 2 Discharger shall discharge, or cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing copper in excess of .05 mg/l unless:
1. The average annual concentration of copper in the Discharger's discharge, for the one year period immediately preceding the date on which copper exceeds .05 mg/l, is less than .4 mg/l; or
  2. The Discharger has installed all Reasonable Control Measures as specified by the Director, and the average daily concentration of copper in the Discharger's discharge has not exceeded 1.0 mg/l since the date the Discharger's permit was issued.
- C. As an alternative to meeting the requirements of subsections A and B above, any Group 2 Discharger may elect to be treated as a Group 1 Discharger. Such election may only be made after performance of a Mass Audit Study by the Group 2 Discharger.

**15.14.670 Group 3 Dischargers - Best Management Practices**

No Group 3 Discharger shall discharge, cause, allow or permit to be discharged into the Sanitary Sewer System or any part thereof, any industrial waste containing nickel in excess

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of .005 mg/l, or copper in excess of .05 mg/l, unless the Discharger has implemented all applicable Best Management Practices adopted by the Director.

#### **15.14.675 Compliance**

- A. Group 1 Dischargers lawfully discharging industrial wastewater to the Sanitary Sewer System on January 1, 1995 shall cause their facilities to be in full compliance with Section 15.14.645 not later than April 1, 1997. The Director shall include as a condition of the Wastewater Discharge Permit for any Group 1 Discharger a compliance schedule for the installation of Maximum Feasible Reduction Measures by the Discharger.
- B. Group 2 Dischargers lawfully discharging Industrial Waste to the Sanitary Sewer System on January 1, 1995 shall cause their facilities to be in full compliance with Section 15.14.665 not later than July 31, 1997. The Director shall include as a condition of the Wastewater Discharge Permit for any such Group 2 Discharger a compliance schedule for installation of Reasonable Control Measures by the Discharger.
- C. Industrial Users lawfully discharging Industrial Waste containing cyanide in excess of the Maximum Allowable Concentration limit for cyanide set forth in Section 15.14.585 shall cause their facilities to be in full compliance with said limit not later than December 31, 1996. The Director shall include in the Wastewater Discharge Permit for any Discharger not immediately in compliance with the cyanide limit an interim cyanide limit of one (1.0) mg/l and a requirement that an action plan be developed by the Discharger to achieve compliance.
- D. For the purposes of this Section 15.14.675, the term "lawfully discharging" includes, but is not limited to facilities under construction, for which a Wastewater Discharge Permit has been issued.
- E. The Director may extend the time period set forth in subsections A and B above at the request of a Discharger for a maximum of one (1) year, provided that:
  - 1. Such extension would not cause interference with operation of the Sanitary Sewer System or the Plant; and



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2. The Director makes a written determination that the Discharger has installed all Maximum Feasible Reduction Measures, or Reasonable Control Measures, but still cannot achieve full compliance; and
  3. The Discharger has implemented an action plan to achieve compliance.
- F. In the event that the Director extends the time period set forth in subsection A above, the Director shall recalculate the Mass Equivalent Concentration Limit for the Discharger, based on the mass of copper and nickel discharged by the Discharger, divided by the Average Process Flow measured after the installation of Maximum Feasible Reduction Measures by the Discharger.

#### **15.14.680 Federal Pretreatment Regulations**

No Industrial User shall discharge, cause, allow or permit a discharge, into the Sanitary Sewer System in violation of any federal or state regulation regulating discharges by such Users, including but not limited to the Federal Pretreatment Regulations found in Title 40 of the Code of Federal Regulations.

#### **15.14.685 Falsification of Information**

- A. It shall be unlawful to make any false statement, representation, record, report, plan or other document or to tamper with or render inaccurate or divert flow from any monitoring device or equipment installed or operated pursuant to this Chapter or of any permit issued under this Chapter.
- B. In addition to any other punishment or remedy provided by law, any such falsification or tampering shall be grounds for revocation of any permit issued under this Chapter.

#### **15.14.690 Power to Inspect**

- A. The Director and other duly authorized employees and agents of the City bearing credentials and identification shall have the right to access upon all properties for the purpose of inspecting any sewer or storm drain connection, including all discharge connections of roof and surface drains and plumbing fixtures; inspecting, observing, measuring, photographing, sampling, and testing the quality, consistency, and

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characteristics of sewage and industrial wastewaters being discharged into any public Sewer or natural outlet; and inspecting and copying any records relating to quantity and quality of wastewater discharges, including but not limited to water usage and effluent discharged, chemical usage, and hazardous waste records.

- B. The Director may terminate service or revoke the permit of any person who has discharged wastewater to the Sanitary Sewer System and has unreasonably refused access to the City.

#### **15.14.695 Discharge Reports**

- A. The Director may require that any person discharging wastewater into the Sanitary Sewer System file periodic discharge reports or a zero discharge report.
- B. The periodic discharge report may include, but need not be limited to, nature of process, volume, rates of flow, mass emission rate, hours of operation, number of employees, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge and the ability of the Discharger to meet applicable discharge limits.
- C. The zero discharge report shall certify that the Discharger does not discharge Industrial Waste to the Sanitary Sewer System.
- D. The Director may also require such periodic discharge reports and zero discharge reports to include information concerning the chemical constituents and quantity of chemicals stored on-site, even though they may not normally be discharged.
- E. In addition to discharge reports, the Director may require Industrial Users to submit such additional reports as may be necessary to allow the City to evaluate the Industrial User's discharge, including but not limited to self-monitoring reports.
- F. It shall be unlawful for any person who has discharged wastewater to the Sanitary Sewer System to refuse to file any report requested by the Director.

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**15.14.710 Termination of Service and Permit Revocation**

- A. The Director may revoke any Wastewater Discharge Permit, and/or terminate, or cause to be terminated wastewater service to any premises:
  - 1. If a discharge of wastewater from the premises cause or threatens to cause a violation of any provision of this Chapter or of Chapters 12.04 through 12.16 or applicable local, State or Federal regulations : or
  - 2. If a discharge of wastewater from the premises causes or threatens to cause a condition of contamination, pollution, or nuisance.
- B. Written notice of the permit revocation or service termination, and a statement of the grounds therefore, shall be delivered to the Discharger. The notice shall be effective ten (10) calendar days after it is served on the Discharger, unless the Director determines that immediate permit revocation or suspension of service is necessary for the preservation of public health or safety or for the protection of public or private property. If the Director determines that immediate permit revocation or suspension of service is necessary, the Director may act to revoke the permit or suspend service immediately after written notice is delivered to the Discharger.
- C. It shall be unlawful for any person to discharge any material into the Sanitary Sewer System from any premises for which the permit has been revoked or wastewater service has been suspended or terminated.

**15.14.715 Correction of Violations; Collection of Costs; Injunction**

- A. The City may abate any violation of this Chapter.
- B. The cost of such abatement may be added to the Sewer service charge of the owner or tenant of the property upon which the violation occurred, and the City shall have all available remedies for the collection of such costs as it has for the collection of Sewer service charges.

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#### **15.14.720 Civil Penalties**

Any person who intentionally or negligently violates any provisions of this Chapter, any provision of any permit issued pursuant to this Chapter, or who intentionally or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, shall be civilly liable to the City in a sum up to ten thousand dollars (\$10,000) for the first day in which such violation occurs, up to twenty-five thousand dollars (\$25,000) for the second day in which such violation occurs, and fifty thousand dollars (\$50,000) for each additional day.

#### **15.14.725 Mandatory Wastewater Discharge Permits**

No Critical User shall connect, discharge, cause, allow, or permit any discharge, into the Sanitary Sewer System except in accordance with a Wastewater Discharge Permit issued by the Director.

#### **15.14.730 Permit Duration and Amendment**

- A. Wastewater Discharge Permits shall be issued for a specific duration, not to exceed five (5) years.
- B. Permits shall be subject to amendment by the City as limitations or requirements for wastewater discharge are modified and changed.
- C. The holder of a Wastewater Discharge permit shall be informed of any proposed amendment to its permit at least thirty (30) days prior to the effective date of the amendment.
- D. The Director may include a compliance schedule in an amended permit.

#### **15.14.735 Permit Application**

- A. All persons requiring a Wastewater Discharge Permit shall file a complete application, in the form prescribed by the Director, and accompanied by the applicable fees, as established by resolution of the City Council.
- B. For new construction, permit applications shall be filed with the Director at the time that an application for a Building Permit for a new building or structure is made.

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- C. All persons discharging wastewaters into the Sanitary Sewer System for which a Wastewater Discharge Permit has been issued must apply for a new permit prior to making a Significant Change in the operations affecting their discharge.

#### **15.14.740 Delinquent Fees**

- A. Any person who fails to file an application for a wastewater discharge permit prior to discharge shall be assessed a penalty for delinquent filing as follows:
1. Up to and including thirty (30) days delinquency, the penalty shall be fifty percent 50% of the permit fee.
  2. More than thirty (30) days but less than one year delinquency, the penalty shall be one hundred percent (100%) of the permit fee.
  3. More than one (1) year delinquency, the penalty shall be one thousand percent (1,000%) of the Permit fee.
- B. Such penalties shall be in addition to any other penalties or fines that may be levied, and in addition to any other remedies that the City may have with respect to the discharge.

#### **15.14.745 Signature Requirements**

- A. Permit applications, discharge reports and any other reports required by the Director shall be signed by an Executive Officer of the business filing the application.
- B. Such Executive Officer shall be at least of the level of Vice President, General Partner, President, or an individual responsible for the overall operation of the facility applying for said Permit, or meet Federal requirements for NPDES applications as contained in Title 40 of the Code of Federal Regulations.

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#### **15.14.750 Additional Information**

- A. If the Director is not satisfied that the permit application has sufficient information to determine whether the permit should be issued, the Director may refuse to issue the permit or request that the applicant submit further information.
- B. The applicant shall have thirty (30) working days, or such longer period of time as allowed by the Director, after reviewing a request for information, to complete the application.
- C. If the returned application is not resubmitted within the specified time period, then a new application for Wastewater Discharge Permit must be submitted along with the application fees for a new permit.

#### **15.14.755 No Transfer of Permit**

Wastewater Discharge Permits are issued to a specific user for a specific operation. No user shall assign, transfer or sell a Wastewater Discharge Permit, or use the permit for on premises or for facilities or operations not covered by the permit.

#### **15.14.760 Denial of Permit**

The Director may deny a Wastewater Discharge Permit if any one or more of the following conditions exist:

- A. The application is not accompanied by the required fee(s).
- B. The application contains false or misleading information.
- C. The issuance of the permit would result in the discharge of Industrial Wastes of such quantity or strength that the public health or safety, or public or private property are endangered.
- D. The issuance of the permit would cause the Plant to violate any permit conditions, laws, or regulations of the State and/or Federal government.
- E. The applicant has not provided adequate information to establish that its discharge will comply with all requirements of this Chapter and with such other terms and conditions as the Director may deem necessary to include in the Discharger's permit.

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- F. The applicant has not provided plans for sufficient protection from accidental discharges to the land, storm Sewer system, and Sanitary Sewer System.

**15.14.765 Permit Conditions**

- A. Wastewater Discharge Permits shall be expressly subject to all provisions of this Chapter and all other regulations, user charges, discharge limitations, and fees established by the City and all applicable local, State and Federal law and regulations.
- B. The permit may include such terms and conditions as the Director may deem necessary to implement this Chapter, the regulations issued by the Director under this Chapter, or any other applicable local, State or Federal law and regulations, including but not limited to:
1. Limits on the average and maximum wastewater constituents and characteristics;
  2. Requirements for installation and maintenance of flow monitoring, inspection, and sampling facilities;
  3. Specifications and pretreatment requirements for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  4. Compliance schedules;
  5. Requirements for submission of technical reports or discharge reports;
  6. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City and affording the City access thereto;
  7. Requirements for notification to the City of any new introduction of wastewater constituents or any Significant Change in the volume or character of the wastewater constituents being introduced into the wastewater stream;
  8. Requirements and plans for protection against accidental discharges, including but not limited to berming of chemicals and waste materials. The review and approval of such plans and operating procedures shall not relieve the user from

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the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Code or other state or federal regulations.

9. Requirements for notification of accidental discharges.

**15.14.785 Permit Appeals**

- A. Any permittee or permit applicant may appeal a notice of revocation of a Wastewater Discharge Permit, notice of denial of a permit, any term or condition of a permit, amendment of a permit, or notice of termination of service to the Director.
- B. A request for hearing on a decision to revoke a permit or terminate service shall be filed, in writing, with the Director, within ten (10) days after the date the notice of revocation or termination of service is served on the permittee. A request for hearing on a decision to revoke a permit or terminate service shall, except in the case of immediate permit revocation or suspension of service for the preservation of public health or safety or for the protection of public or private property, stay the effect of the notice of revocation or termination of service, during the pendency of the appeal.
- C. A request for hearing on a decision to deny a permit, on the terms or conditions in a permit, on an amendment to a permit, shall be filed, in writing, with the Director, within thirty (30) days after the date the notice of decision is served on the applicant.
- D. Failure of a permittee or applicant to timely request a hearing shall be deemed acceptance of the Director's decision, and the Director's decision shall be deemed final and effective.
- E. At the hearing before the Director, the applicant shall be given an opportunity to present witnesses and documentary and other evidence.
- F. The hearing will be conducted informally and technical rules of evidence shall not apply. Any and all evidence which the Director deems reliable, relevant and not unduly repetitious may be considered.
- G. The applicant may be represented at the hearing by any another person.



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- H. The Director shall provide written notice of decision on the appeal to the permittee or applicant. The decision of the Director on the appeal shall be deemed final and effective three (3) days after notice of the decision on appeal is served on the permittee or applicant.
- I. Filing of a request for hearing shall not entitle any person to discharge in violation of any of the provisions of this Code.

#### **15.14.790 Promulgation of Regulations**

- A. The Director shall, by July 31, 1995, review and revise existing administrative regulations, and promulgate new regulations, concerning Industrial Wastewater discharge, as necessary to implement this Chapter 15.14.
- B. The Director may, from time to time, as necessary to implement this Chapter 15.14, review and revise administrative regulations, and promulgate new regulations, concerning industrial wastewater discharge.
- C. The administrative regulations may address, but are not limited to:
  - 1. Data to be required in Wastewater Discharge Permit applications.
  - 2. The Audit Protocols for the Mass Audit Studies to be performed by or for Group 1 Dischargers and for Addenda and Revisions to the Mass Audit Studies .
  - 3. The Reasonable Control Measures to be included in the Group 2 Dischargers permits.
  - 4. The Best Management Practices to be included in the Group 3 Dischargers' permits.
  - 5. Data to be required in self monitoring reports, discharge reports, and other technical reports to be submitted by Industrial Users.
  - 6. Sampling requirements for Discharger self monitoring.
- D. Regulations adopted by the Director shall have the same force and effect as the sewer use regulations contained in this Chapter.

PASSED FOR PUBLICATION OF TITLE this \_\_\_\_\_ day of \_\_\_\_\_ , 1995, by  
the following vote:

JRG:MJD:mjw  
1/10/95emh

4/8/95

AYES:

NOES:

ABSENT:

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SUSAN HAMMER, Mayor

ATTEST:

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PATRICIA L. O'HEARN, City Clerk